

REMARKS

In the Office Action, the Examiner allowed claims 17-22 and rejected claim 15 under 35 USC 102. These rejections are fully traversed below.

Claims 8 and 22 have been amended. Claims 29-35 have been added. Thus, claims 1-6, 8-10, 12, 13, 15, 17-22 and 26-35 are pending in the application. Reconsideration of the application is respectfully requested based on the following remarks.

Claim Objections

It is believed that the objections to claim 8 and 22 have been overcome by the amendments made above.

Claim Rejections – 35 USC 103

Claims 17-20, 8 and 22 have been rejected under 35 U.S.C. 103(a) as being unpatentable over *Wille* (US 5,636,483) in view of *NPL* (Glasstairs.com).

One skilled in the art would NOT be motivated to combine these two references. Neither reference teaches or suggests the desirability of the combination. The claimed invention taken as a whole cannot be said to be obvious without some reason given in the prior art why one of ordinary skill would have been prompted to combine the teachings of the references to arrive at the claimed invention. In the absence of such a reason or suggestion, the prima facie case of obviousness has failed. *Wille* is completely silent to glass treads, and *NPL* is completely silent to supporting glass treads at their ends. In *Wille*, the treads are formed from wood. In *NPL*, the spiral glass staircase includes a center member for supporting the middle of each tread. Accordingly, neither reference provides any suggestion for the combination or modification.

Just because both references are related to staircases does not mean that they can be properly combined or modified. *Wille* is directed at traditional wood staircases and *NPL* is directed at glass staircases. These are two very different areas of stairs with very different design constraints. They are not a one for one replacement. When dealing with glass many things must

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be considered that wouldn't otherwise be considered with woods stairs. One may even go as far to say that wood stairs and glass stairs are non-analogous art.

The wood based stair system taught by *Wille* would simply not work for glass. In *Wille*, the treads are connected to the brackets via screws. As shown in Fig. 6 and described in col 5, lines 5-8, the wood treads include preformed holes 29 for receiving bolts or screws 30. This methodology would simply not work for glass. Glass is not typically a material that can be screwed into. Its is not compliant like wood and therefore will crack and break when a screw is inserted therein.

The Examiners asserted that the motivation comes from the desire to enhance the appearance of the staircase system. The system taught by *Wille* however would not be aesthetically pleasing if glass treads were used. With wood treads, the support brackets 15 of *Wille* are hidden behind the opaque surfaces of the wood treads (see Fig. 1). If glass treads were used, the support brackets would be exposed and seen. The support brackets are more function than form. They are large and bulky and not very elegant. Using glass treads would therefore have the opposite effect, i.e., they would make the staircase system of *Wille* less attractive.

In any event, neither reference teaches or suggests, "the first connection member having a first interlocking portion, the second member having a second interlocking portion, the first and second interlocking portions being configured to engage one another so as to place the horizontal glass tread in a secure relationship relative to the vertical walls," as required by claim 17. Both references are completely silent to interlocking. In *Wille*, conventional fasteners such as bolts and screws are used. In *NPL*, the treads are supported in the middle, and it is unclear what is happening at the ends. Accordingly, the rejection is unsupported by the art and should be withdrawn.

Also in contrast to both references, claim 8 specifically requires, "...wherein the horizontal glass tread is only supported at the first and second ends thereof by the first and second connection members." In *NPL*, the glass tread is supported in the middle and NOT at the ends, and while *Wille* may support a wood tread with brackets, he also teaches supporting the wood tread along its length with risers (see Fig. 6). Accordingly, the rejection is unsupported by the art and should be withdrawn.

Also in contrast to both references, claim 18 specifically requires, "...wherein the vertical walls are formed from glass." Neither reference teaches or suggests fixing the ends of the glass treads to glass walls that support the glass treads. Accordingly, the rejection is unsupported by the art and should be withdrawn.

Also in contrast to both references, claim 22 specifically requires, "...wherein the interlocking portions are configured to disengage from one another so as to place the horizontal glass tread in a removable relationship relative to the vertical walls." Neither reference teaches removing the glass treads. In fact, *Wille* teaches away from a removable structure by using fasteners such as screws. Accordingly, the rejection is unsupported by the art and should be withdrawn.

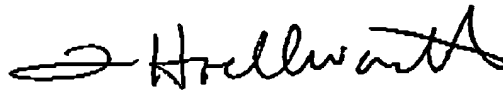
With regards to claim 20, neither reference provides any support for walls and treads formed from different materials let alone different glass structures. Accordingly, the rejection is unsupported by the art and should be withdrawn

SUMMARY

Applicants believe that all pending claims are allowable and respectfully request a Notice of Allowance for this application from the Examiner. Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at the telephone number set out below.

Respectfully submitted,

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